

REMARKS/ARGUMENTS

The Examiner is thanked for the performance of a thorough search. By this amendment, Claims 1-14 have been cancelled. Claims 15-38 have been added. No claims have been amended. Hence, Claims 15-38 are pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art.

I. ISSUES NOT RELATING TO PRIOR ART

Claims 1, 7, 13, and 14 stand rejected under 35 U.S.C. § 112(2) as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Present Claims 15-38 have proper antecedent basis for all claim terms. Reconsideration is respectfully requested.

II. ISSUES RELATING TO PRIOR ART

Claims 1-4, 7-10, 13 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,612,863 issued to Banginwar ("Banginwar"). The rejection is respectfully traversed.

A. CLAIM 15

Claim 15, which corresponds to Claim 1, recites:

A method for automatically deploying a quality of service ("QoS") policy to a plurality of network devices in a packet telephony network based on a QoS policy template comprising the computer-implemented steps of:
receiving device information that defines **authentication and location information** of each of said plurality of network devices;

receiving interface information defining one or more interfaces associated with each of said plurality of network devices;
creating and storing one or more **QoS policy templates** in a database, wherein **each of the one or more QoS policy templates indicates one or more QoS policies that associate QoS tools with network device traffic flows**; and
based on the device information and interface information, determining one or more QoS policies for deployment to each of said plurality of network devices (emphasis added).

Thus, Claim 15 recites that at least one QoS policy template is created and stored in a database. A QoS policy template indicates one or more QoS policies that associate QoS tools with network device traffic flows. Based on device information and interface information, one or more QoS policies are determined for deployment to a plurality of network devices.

Banginwar fails to teach or suggest these features for the following reasons.

The Office Action asserted that Banginwar discloses “determining one or more policy templates that associate a quality of service tools with the device traffic flows” (page 3).

However, the Banginwar fails to mention anything about **templates**, or the equivalent, as recited in Claim 15. Furthermore, Banginwar mentions QoS policies only once, in the entire reference, as an example of a control policy that may be distributed to policy proxies (col. 2, lines 28-32). Therefore, it is no wonder that the entire reference of Banginwar **also fails to mention** anything about 1) QoS tools, 2) QoS policies that associate QoS tools with network device traffic flows, and 3) QoS policy templates that indicate such QoS policies, as specifically claimed.

The Office Action also alleged that Banginwar discloses “receiving interface information (MAC address) defining the interface associated with the device” (page 3). Thus, the Office Action correlates interface information of Claim 15 with a MAC (Media Access Control) address as taught by Banginwar. A MAC address is a unique identifier attached to

most forms of networking equipment. A MAC address is not, however, interface information that **defines the interface associated** with a network device, as required by Claim 15.

Consequently, Banginwar fails to teach or suggest the step of “receiving interface information” and determining one or more QoS policies for deployment **based on the...interface information.**

Because Banginwar fails to teach the above cited features recited in Claim 15, amended Claim 15 is patentable over Banginwar. Therefore, removal of the rejection is respectfully requested.

B. CLAIMS 5, 6, 11, AND 12

Claims 5 and 11 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Krishna et al. (US Patent No. 6,718,379). Present Claims 19 and 25, which correspond to cancelled Claims 5 and 11, depend on Claims 15 and 21, respectively. Therefore the rejection is now moot.

Claims 6 and 12 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Zavalkovsky et al. (US Patent No. 6,959,332). Present Claims 20 and 26, which correspond to cancelled Claims 6 and 12, depend on Claims 15 and 21, respectively. Therefore the rejection is now moot.

C. CLAIMS 21, 27, AND 33

Independent Claims 21, 27, and 33 are either computer-readable medium or apparatus claims that recite the features of Claim 15 discussed above. It is therefore respectfully

submitted that Claims 21, 27, and 33 are also patentable over Banginwar for the same reasons cited above for Claim 15.

D. DEPENDENT CLAIMS

Claims 16-20, 22-26, 28-32, and 34-38 not discussed so far are dependent claims that depend on an independent claim discussed above. Because each of the dependent claims includes the limitations of the claim upon which they depend, the dependent claims are patentable for at least those reasons given above for the independent claims upon which they depend. Removal of the rejections with respect to the dependent claims and allowance of the dependent claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable. However, due to the fundamental differences already identified for the independent claims upon which they depend, a separate discussion of those limitations are not included at this time.

III. CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

Applicants respectfully petition for an extension of time for one (1) month or to the extent otherwise necessary to make this reply timely filed.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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6/7/06

by

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